

FILED
02-12-2019
CIRCUIT COURT
DANE COUNTY, WI
2019CV000084

EXHIBIT D

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
BRANCH 15

THE LEAGUE OF WOMEN VOTERS OF WISCONSIN,
DISABILITY RIGHTS WISCONSIN, INC.,
BLACK LEADERS ORGANIZING FOR COMMUNITIES,
GUILLERMO ACEVES, MICHAEL J. CAIN, and
JOHN S. GREENE,

Case No. 19-CV-84

Plaintiffs,

Case Code 30701 & 30704

v.

DEAN KNUDSON, JODI JENSEN, JULIE M. GLANCEY,
BEVERLY GILL, ANN S. JACOBS, MARK L. THOMSEN,
MEAGAN WOLFE, and TONY EVERS,

Defendants.

AFFIDAVIT OF ANGELA LANG

STATE OF WISCONSIN

COUNTY OF MILWAUKEE

Angela Lang, first being duly sworn on oath, deposes and states as follows:

1. I am the Executive Director of Black Leaders Organizing for Communities (“BLOC”). I make this affidavit in support of plaintiffs’ motion for temporary injunction.
2. I have personal knowledge of the matters set forth herein, and, if called as a witness, I could and would testify competently as to the truth of such matters.

3. BLOC is a project of the Center for Popular Democracy and CPD Action and headquartered in Milwaukee, Wisconsin.

4. BLOC's mission is to give voice to Black Wisconsinites. We accomplish our mission in part by mobilizing Black communities to participate in our democracy at all levels of government and by advocating for policies and leaders that will bring equity to Milwaukee and throughout Wisconsin. BLOC encourages communities of color to fulfill their enormous potential for electoral impact in Milwaukee, where the population is roughly 40 percent African-American and 18 percent Latino.

5. BLOC believes that every vote matters in a democracy. That is why we canvass door-to-door to learn about what issues matter most to communities of color and to encourage people in our communities to make their voices heard at the ballot box. In particular, BLOC educates the Black community in Milwaukee about voter eligibility rules, voter ID requirements, the importance of voting, and the opportunity for in-person absentee voting, or "early voting."

6. Leading up to the November 6, 2018 general election in Wisconsin, BLOC engaged in extensive efforts to encourage Black voters to take advantage of early voting opportunities in Milwaukee. BLOC's team of 5 full-time staff and 47 canvassers knocked on more than 173,000 voters' doors and distributed more than 3,000 pamphlets with information about early voting. In addition, BLOC did social media and trainings for organizers and canvassers to educate people about early voting. BLOC believes its efforts contributed to the high voter turnout, and the high early voter turnout in particular, in Milwaukee County in the 2018 general election.

7. BLOC is planning to engage in similar efforts in advance of the February 19, 2019 nonpartisan primary and April 2, 2019 nonpartisan election.

8. In my experience talking with members of the Black community in Milwaukee, early voting opportunities are important because they give every voter multiple chances to make it to the polls. For example, if a childcare or work emergency prevents someone from voting on the day he or she originally planned to vote, early voting gives him or her many opportunities to go back to the polls. In Wisconsin, like nationwide, Black and Latino voters have made particularly good use of various forms of early voting.

9. BLOC is harmed by Section 1K of 2017 Wisconsin Act 369, which changes the time during which in-person absentee voting is permitted. Under Section 1K, in-person absentee voting may occur from 14 days preceding the election to the Sunday preceding the election, except it cannot occur on a legal holiday. Prior to Act 369, some counties and municipalities offered early voting more extensively than Act 369 allows. The City of Milwaukee allowed early voting to take place starting on September 24, 2018, nearly 44 days prior to the election, allowing a total of approximately thirty-four days of early voting. On its website, the Elections Commission published daily reports tallying the number of absentee ballots cast in each county leading up to the November 6, 2018 general election. See <https://elections.wi.gov/publications/statistics/absentee>. According to the Absentee Ballot Report from November 6, 2018, a total of 93,581 people in Milwaukee County voted early in the 2018 general election. At least 21,973 of those voters, or 23.5% percent, voted prior to Act 369's restricted time frame, according to the Elections Commission's Absentee Ballot Report from October 22, 2018.

10. I understand that a federal court struck down Wisconsin's prior early voting restrictions as unconstitutional. I understand that the court found that "Wisconsin's restrictions on the hours for in-person absentee voting have had a disparate effect on African Americans and Latinos" and ultimately that "the legislature passed the provisions restricting the hours for in-person absentee voting motivated in part by the intent to discriminate against voters on the basis of race." *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896, 925 (W.D. Wis. 2016). Act 369, passed as SB 884 during the December 2018 Extraordinary Session, includes very similar early voting restrictions. The legislature's decision to re-adopt these restrictions, even after the federal court ruling quoted above, inflicts harm on BLOC and its members.

11. Moreover, BLOC's experience and the Elections Commission's absentee ballot reports demonstrate that Act 369's restrictions on early voting harm Black voters in Wisconsin by limiting the opportunities for voter participation in Wisconsin elections and making voting more difficult for voters who would otherwise have broader opportunities to participate in elections. The early voting restrictions thus impair BLOC's mission of mobilizing the Black community to vote.

12. BLOC is further harmed by 2017 Wisconsin Act 369's codification of the Department of Transportation ("DOT") petition process contained in DOT administrative rules permitting an individual who does not possess otherwise required documentation to obtain a state identification card for voting by providing secondary documentation or through other verification. This codification perpetuates a system well known to be defective and prevents eligible voters from participating in Wisconsin elections. It thereby

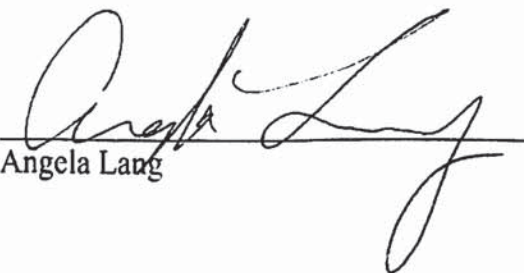
impairs BLOC from fulfilling its mission of expanding voter participation. For example, the codification of the DOT petition process included a 60-day period for temporary identification cards, which is in direct contravention of a September 30, 2016 federal district court order directing that temporary identification cards be valid for 180 days.

13. The changes to election laws in 2017 Wisconsin Act 369 further harm BLOC by requiring it to divert its scarce resources from other activities central to its mission. In the first quarter of 2019, BLOC planned to launch a fellowship program for canvassers to train them on state government and community organizing skills. BLOC also planned to launch a field program for the Wisconsin Supreme Court elections. If 2017 Wisconsin Act 369 is enforced, BLOC will have to divert about 25 percent of its staff time—the equivalent of one full-time employee for our small organization—to educate voters about the changes to early voting in Milwaukee instead. BLOC will have to retrain our canvassers on changes to early voting requirements, which means taking them out of the field and reducing the amount of time they have available to spend in the field talking to voters. BLOC will also have to dedicate communications time to educating voters about these changes via social media and new educational resources, rather than focusing on getting out the vote for the upcoming nonpartisan elections.

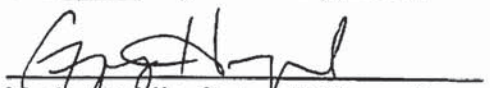
14. Even participation in this lawsuit and other advocacy to prevent the implementation of the early voting restrictions has diverted BLOC's resources. BLOC, moreover, will have to significantly increase its efforts to encourage early voting during the 14 days in which it is permitted.

15. BLOC is further by all three laws adopted as part of the December 2018 Extraordinary Session – and indeed by the December 2018 Extraordinary Session itself— in that the legislature convened to conduct business unconstitutionally, which undermines public confidence in the Wisconsin government and thereby impairs BLOC’s mission to inspire Black communities to become involved in democracy.

16. The December 2018 Extraordinary Session and the aforementioned laws passed at that session have caused, and will continue to cause, BLOC and its members irreparable harm.


Angela Lang

Subscribed and sworn to before me
this 10 day of January, 2019.


Notary Public, State of Wisconsin
My commission expires: 02/18/2019

